

DOD Draft Cybersecurity Maturity Model Certification Should be Subjected to the Notice-and-Comment Rule Making Process

In September 2019 DOD released its new cybersecurity maturity certification model. This model is designed to bring its entire industrial base up-to-date with the latest cybersecurity protections. DOD has agreed to accept public comments on this model until September 25, 2019. On September 25, 2019, the Office of Advocacy (Advocacy) provided several comments to DOD on this draft model.

1. DOD recognizes that contractors may need financial assistance to bring their cyber systems into compliance, but the model lacks clarity as to how small business prime and subcontractors will be reimbursed or compensated for enhancing their cyber systems to comply with the model.
2. The model recognizes that all 300,000-plus DOD contractors must be certified in order to receive a DOD contract. The model has five levels of certification for companies. Businesses will be restricted to contracts in their level. Level one is the lowest level of maturity, and the requirements for certification can be as simple as the company having a cyber system with a password. Advocacy is concerned with the lower levels being insufficient for small businesses to maintain economic viability.
3. Advocacy expressed concern that this model may have a tremendous negative impact on DOD's small business statutory annual goal requirements.
4. Advocacy recommends that because of the extensive cost compliance and the impact of this model on small businesses it should be subjected to the notice-and-comment rule making process.
5. The comment letter is available on Advocacy's website [here](#).
6. For more information, contact Acting Chief Counsel for Advocacy Major L. Clark, III at major.clark@sba.gov.

